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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,410	03/16/2000	Bing Lin Yang	YKI-0034	1559

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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 04/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/527,410

Applicant(s)
Yang

Examiner
Karl Easthom

Art Unit
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 11, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kozlowski. Kozlowski discloses the claimed invention at Fig. 1, 1 and 2 comprise the sealing spacers, and the leads 20, 10 emanate therethrough. The sealing spacers 1,2 “form an air-tight enclosure upon cooling”, col. 3, lines 3-7 and are fixed to the interior of the housing. The sealing spacer is then fixed by way of 3 to lead terminals 20 by a brazing step, col. 4, lines 60-62. Fig. 2 discloses the cylindrical shape of claim 5. In claim 2, the melting and bonding at col. 3 meets the welding where the glass is heated, as is congruent with applicant’s specification. In claim 3, 8, the repeated backfilling and flushing results in the clean dry air and mixtures of argon, col. 3, lines 5-20. In claims 5, 9, the spacers are cylindrical.

3. Claims 1-2, 5 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones. Jones discloses sealing spacers 4,5 fixed on the lead portion of terminals 10,11, on one piece cylindrical housing 3, the sealing spacer fixed airtightly at said housing at said interior around the portion where metal 6 resides on the interior of the housing. In claim 2, the welding is by way of metal 6 or by heating 5,6. In claim 8 there is a mixture of gas and air since the air cannot be all discharged, and the gas is “insert” since it has been inserted. In claims 5 and 9, the shape is cylindrical.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by Kozlowski or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kozlowski. The claimed invention is as noted above where the repeated backfilling and flushing inherently results in the cleanliness claimed, col. 3, lines 5-20. Alternatively, it would have been obvious to backfill and flush until the desired cleanliness is obtained where repeated flushing for cleaning is disclosed, for the purpose of getting the air as clean as possible. Note that the leads are not claimed as fixed airtightly to the spacers at the interior of the housing, so that the rejection is made with this interpretation.

6. Claims 6-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones or Kozlowski, in view of Harada et al. The noted reference discloses the claimed invention except for the lead wires being Dumet. Harada et al. discloses such a lead wire at col. 6 for the purpose of forming leads that penetrate glass. It would have been obvious in view of Harada et al. to form lead wires of Dumet for penetrating the glass of the references noted. Note that the leads are not claimed as fixed airtightly to the spacers at the interior of the housing, so that the rejection is made with this interpretation.

7. Applicant's arguments filed 2/11/02 have been fully considered but they are moot or persuasive only in part. As to Jonassen not having a broadened tip, this is correct, and the

rejection withdrawn as a 102 anticipatory rejection, with no combinations made here due to the stage of prosecution. Applicant had earlier argued Howe et al. does not disclose a one-piece housing, due to element 19, which the Examiner stated as accepted, but then maintained as rejected. To clarify the record, the argument is accepted, and it is also noted that as argued, the sealing spacers are not fixed airtightly in the interior of the housing. As to Kozlowski, Applicant argues that there is no disclosure of "sealing spacers fitted and fixed on the lead portion of a lead terminal and fixed airtightly..." because the base 2 is not fixed to the electrode. This is not correct. The sealing spacers 1,2 "form an air-tight enclosure upon cooling", col. 3, lines 3-7 and are fixed to the interior of the housing. The sealing spacer is then fixed by way of 3 to lead terminals 20 by a brazing step, col. 4, lines 60-65.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703) 308-3306. The examiner can normally be reached on M-Th from 5:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703) 308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


KARL D. EASTHOM
PRIMARY EXAMINER